

REMARKS/ARGUMENTS

In response to the Office Action dated December 4, 2003, claims 1 and 7 are amended. Claims 1-13, 16-23, 25, 26 and 29 are now active in this application. No new matter has been added.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 7-9 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In support of this position, the Examiner notes that “the peak” in claim 7 lacks clear antecedent support. By this response, the noted point of indefiniteness has been appropriately addressed by changing “the peak” to “a peak”. Therefore, it is respectfully urged that the rejection be withdrawn.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102 AND § 103

Claims 1, 5, 10-13, 16-21, 23, 25 and 29 are rejected under 35 U.S.C. § 102(b) as being anticipated by Druitt (WO 9903746).

Claims 2-4 and 7-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Druitt in view of Tansey (USPN 5,782,369).

Claims 6 and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Druitt.

Claim 22 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Druitt in view of Blake et al. (USPN 5,676,269).

The courtesy of the interview conducted on January 12, 2004, is acknowledged and appreciated. The Interview Summary form PTOL-413 states substantially the substance of the

interview. However, it is further added that at the interview, the Examiner explained her interpretation as to what she considered in Druitt (WO 9903746) to be the free end and the outer surface of the end portion, recited in claim 1. Applicant's attorney pointed out that the Examiner's interpretation was believed to be unreasonable, as it was arbitrary and not consistent with what was actually described in Druitt (WO 9903746). Applicant's attorney point our further that the Examiner should interpret these features as actually described in Druitt (WO 9903746), which results in these features being identical to what are described in the present application as being these features. This is to be expected since the inventor in Druitt (WO 9903746) is one and the same as the inventor of the present application.

To expedite prosecution, claim 1 is amended in the manner suggested by the Examiner in the Interview Summary form PTOL-413. More specifically, the last portion of claim 1 is amended as follows:

the protrusion engages the outer surface of the end portion of the container
~~at a location more distal the free end thereof than said part of the second portion~~
~~so resulting in additional sealing contact between the closure and the outer surface~~
~~of the end portion of the container~~ engages the outer surface spaced from the
container free end and the end of the second portion engages the container free
end.

Thus, it is believed that amended claim 1 is patentable over Druitt (WO 9903746). Consequently, the allowance of claims 1-13, 16-23, 25, 26 and 29, as amended, is respectfully solicited.

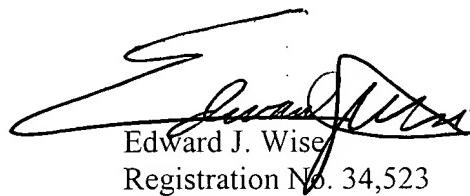
CONCLUSION

Accordingly, it is urged that the application, as now amended, overcomes the rejection of record and is in condition for allowance. Entry of the amendment and favorable reconsideration of this application, as amended, are respectfully requested. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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